

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:96-CR-68**

UNITED STATES OF AMERICA

v.

MARTIN E. RUSSELL

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ORDER

THIS MATTER IS BEFORE THE COURT on its own motion. The defendant requested clarification of his sentence in a letter received May 4, 2011 [doc. #21].

The defendant claims that his federal concurrent term of 235 months imprisonment should be calculated beginning with an original incarceration date of February 25, 1994, presumably the day he was arrested by the state for his state charges. However, the intention of this Court, in running his sentence concurrently, was that it be calculated as of his July 18, 1996 federal arrest date. His sentence actually began on December 16, 1997, as opposed to the July 18, 1996 arrest date, which is a seventeen (17) month difference..

THEREFORE, in accordance with the court's original intent, IT IS ORDERED that a new J&C is to be prepared reducing the term of his sentence from 235 months to 218 months in order to correctly reflect the terms stated during the sentencing hearing.

All other terms and conditions of the original J&C shall remain in full force and effect.

IT IS SO ORDERED.

Signed: August 10, 2011



Graham C. Mullen
United States District Judge

